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| Office Action Summary | Application No. 10/822,772 | Applicant(s) PARK ET AL. | |
| | Examiner Jinhee J. Lee | Art Unit 2174 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>examiner approved drawing</u> . |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Korea on 8/16/03 and 2/3/04.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 25-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 25-32 are directed to a computer implemented method of calculation where the inputs are numbers and the results are also numbers. Claims 33-34 are directed to a computer program stored in a computer readable storage medium for implementing a method. In order for a claimed invention that is directed to such a computer implemented method of calculation, or a computer program stored in a computer readable storage for implementing a computation to be statutory, the claimed invention must accomplish a practical application. That is the claimed invention must transform an article or physical object to a different state or thing, or produce a useful, concrete and tangible result. State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Also see "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", OG Notices: 22 November 2005.

It is clear from claims 25-34 that the claims merely involve calculations and manipulations of data in performing computations. The claimed invention does not result

in a physical transformation. The inputs are numbers and the outputs are also numbers. The result of the invention is merely numerical values without a practical application recited in the claims. It is not real world result, and thus is not useful, concrete and tangible. Therefore, the claimed invention is directed to non-statutory subject matter as the claims fail to assert a practical application to the invention.

The “apparatus” and “unit” as well as “storage medium” is not presented by the specification as anything more than a software program.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 25-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Nonomura et al. (6118445).

Re claim 25, Nonomura et al. discloses a method, comprising:

loading and executing a program that selects one of the interactive graphics streams (editing apparatus for example) used to control reproduction of audio-visual data (see column 1 lines 13-15 according to the numbering in the middle for example) based on attribute information (parameters, see abstract); and

reading and reproducing the one interactive graphics stream selected by the program to be reproduced with the audio-visual data (stream reproduction for example, see column 3 lines 5-16 and abstract for example).

Re claim 26, Nonomura et al. discloses a method, wherein the loading and executing of the program comprises determining whether the one interactive graphics stream selected by executing the program comprises attribute information (see column 3 lines 32-40 and column 5 lines 40-45 for example).

Re claim 27, Nonomura et al. discloses a method, wherein the program is a command included in a program object comprised of navigation commands that is related to the audio-visual data (see column 3 lines 15-20 for example).

Re claim 28, Nonomura et al. discloses a method, when an interactive graphics stream change program included in the reproduced interactive graphics stream is executed, further comprising reading and reproducing another interactive graphics stream selected according to new attribute information obtained by executing the interactive graphics stream change program (see column 3 lines 5-16 and abstract for example).

Re claim 29, Nonomura et al. discloses a method, wherein the reading and reproducing of the another interactive graphics stream selected according to the new attribute information comprises: determining whether the another interactive graphics stream having the new attribute information is present; and if determined that the another interactive graphics stream having the new attribute information is present,

reading and reproducing the another interactive graphics stream having the new attribute information (see column 3 lines 32-40 and column 5 lines 40-45 for example).

Re claim 30, Nonomura et al. discloses a method, wherein the interactive graphics stream change program is a button command included in a button object (right button 1405 and selection button for example).

Re claim 31, Nonomura et al. discloses a method, wherein the attribute information comprises menu language information, viewer class information, sub-title language information, and audio language information (see column 5 lines 40-55 for example).

Re claim 32, Nonomura et al. discloses a method, wherein the interactive graphics stream has text information for each language and shares information irrelevant to language with other interactive graphics streams (column 5 lines 40-55 and inputting with the keyboard for example).

Re claim 33, Nonomura et al. discloses an information storage medium, comprising:

audiovisual (AV) data (DVD-video for example);

navigation data that is a set of navigation commands related to reproduction of the AV data; and

one or more interactive graphics streams (see column 3 lines 32-40 and column 3 lines 14-25 for example),

wherein one interactive graphics stream among the one or more interactive graphics streams is selected by a program that is executed to select the one interactive

graphics stream used to control reproduction of the audio-visual data based on attribute information, and which is reproduced with the audio-visual data (see column 3 lines 5-16 and abstract for example).

Re claim 34, Nonomura et al. discloses an information storage medium, wherein the attribute information comprises menu language information, viewer class information, sub-title language information, and audio language information (see column 3 lines 32-40 and column 5 lines 40-55 for example).

Re claim 35, Nonomura et al. discloses an apparatus comprising:

a processor which loads and executes a program that selects the one interactive graphics stream among the one or more interactive graphics stream used to control reproduction of audio-visual data based on attribute information (CPU of computer 1402, and see abstract, column 1 lines 13-15 for example); and

a decoder which reads and reproduces the one interactive graphics stream selected by the program with the audio-visual data (editing control unit including operation interpreting unit for example).

Re claim 36, Nonomura et al. discloses an apparatus, wherein the processor obtains the attribute information by loading and executing the program and determining whether the one interactive graphics stream comprising the attribute information is present (see column 17 lines 39-45 and column 5 lines 40-55 for example).

Re claim 37, Nonomura et al. discloses an apparatus, wherein the program is a command included in a program object comprised of navigation commands that is related to the audio-visual data (see column 17 lines 39-45 and figure 19 for example).

Re claim 38, Nonomura et al. discloses an apparatus, wherein the processor loads and executes an interactive graphics stream change program included in the one interactive graphics stream that is being reproduced and reads and reproduces another interactive graphics stream selected according to new attribute information obtained by executing the interactive graphics stream change program (see column 3 lines 5-16 and abstract for example).

Re claim 39, Nonomura et al. discloses an apparatus, wherein the interactive graphics stream change program is a button command included in a button object (1405 for example).

Re claim 40, Nonomura et al. discloses an apparatus, wherein the attribute information includes menu language information, viewer class information, sub-title language information, and audio language information (see column 5 lines 40-55 for example).

Response to Arguments

6. Applicant's arguments filed 9/24/07 have been fully considered but they are not persuasive.

In response to applicant's arguments that Nonomura et al. does not teach interactive graphics streams used for reproducing of audio-visual data based on attribute information, examiner disagrees. The abstract of the prior art teaches of using parameters of the data to reproduce data. Column 1 lines 13-15 teach of the data being audio-visual data.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/
Primary Examiner, Art Unit 2174

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